

**COURT RECORDS OF DRIVING UNDER THE
INFLUENCE CASES**

2002 FIFTH SPECIAL SESSION

STATE OF UTAH

Sponsor: A. Lamont Tyler

This act modifies the driving while intoxicated and reckless driving article of the motor vehicles code. The act requires a justice court to collect and transmit data related to DUI to the Department of Public Safety as soon as the court is capable of transmitting data electronically. The act requires the Department of Public Safety to maintain an electronic data base of DUI data received from the courts. The act requires the Commission on Criminal and Juvenile Justice to provide an annual report on the DUI data to the Judiciary and Transportation Interim Committees. This act provides an immediate effective date.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

41-6-43.7, as enacted by Chapter 203, Laws of Utah 2002

This act affects uncodified material as follows:

REPEALS:

Uncodified Section 2, Chapter 203, Laws of Utah 2002

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **41-6-43.7** is amended to read:

41-6-43.7. Courts to collect and maintain data.

(1) The state courts shall collect and maintain data necessary to allow sentencing and enhancement decisions to be made in accordance with this article.

(2) (a) Each justice court shall transmit dispositions electronically to the Department of Public Safety in accordance with the requirement for recertification established by the Judicial Council.

(b) Immediately upon filling the requirements under Subsection (2)(a), a justice court shall collect and report the same DUI related data elements collected and maintained by the state courts under Subsection (1).

(3) The Department of Public Safety shall maintain an electronic data base for DUI related records and data including the data elements received or collected from the courts under this section.

(4) (a) The Commission on Criminal and Juvenile Justice shall prepare an annual report of DUI related data including the following:

(i) the data collected by the courts under Subsections (1) and (2); and

(ii) any measures for which data are available to evaluate the profile and impacts of DUI recidivism and to evaluate the DUI related processes of:

(A) law enforcement;

(B) adjudication;

(C) sanctions;

(D) drivers' license control; and

(E) alcohol education, assessment, and treatment.

(b) The report shall be provided to the Judiciary and Transportation Interim Committees no later than the last day of October following the end of the fiscal year for which the report is prepared.

Section 2. Repealer.

This act repeals:

Uncodified Section 2, Chapter 203, Laws of Utah 2002, Interim reports.

Section 3. Effective date.

If approved by two-thirds of all the members elected to each house, this act takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.